

CITY OF FAYETTEVILLE

STATE OF GEORGIA

ORDINANCE NUMBER 0-4-20

**ADOPTED AS AN EMERGENCY ORDINANCE PURSUANT TO
CITY CHARTER SECTIONS 1.04 AND 2.14 AND AN EMERGENCY
MANAGEMENT ORDINANCE PURSUANT TO O.C.G.A § 38-3-20**

AN ORDINANCE DECLARING, IN ACCORDANCE WITH SECTION 2.14 OF THE CITY OF FAYETTEVILLE CHARTER AND O.C.G.A SECTION 38-3-20, THERE TO BE AN EMERGENCY IN EXISTENCE WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF FAYETTEVILLE DUE TO THE EXISTENCE OF A PUBLIC EMERGENCY AFFECTING LIFE, HEALTH, PROPERTY AND PUBLIC PEACE WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF FAYETTEVILLE DUE TO THE COVID-19 PANDEMIC; AND ORDERING PURSUANT TO CITY CHARTER SECTIONS 1.04 and 2.14 AND O.C.G.A SECTION 38-3-20 THE CLOSURE OF ALL BUSINESSES SERVING ALCOHOL BY THE DRINK THAT DO NOT SERVE FOOD, GYMS AND FITNESS CENTERS, MOVIE THEATERS, LIVE PERFORMANCE VENUES, BOWLING ALLEYS, AND ARCADES, PRIVATE SOCIAL CLUBS, AND OTHER NON-ESSENTIAL BUSINESSES LOCATED WITHIN THE TERRITORIAL JURISDICTIONAL LIMITS OF THE CITY OF FAYETTEVILLE DECLARING THAT RESTAURANTS, AND OTHER EATING AND DRINKING ESTABLISHMENTS WHERE FOOD IS SERVED MUST CEASE OFFERING DINE-IN SERVICES, BUT MAY CONTINUE PREPARING AND OFFERING FOOD TO CUSTOMERS VIA DELIVERY SERVICE, DRIVE-THROUGH, OR TAKE-OUT; PROVIDING THAT FOOD SERVICES IN HOSPITALS, NURSING HOMES, OR SIMILAR FACILITIES SHALL NOT BE SUBJECT TO THESE RESTRICTIONS AND MAY CONTINUE NORMAL OPERATIONS; AND TO CLOSE NON-ESSENTIAL BUSINESSES; AND FOR OTHER PURPOSES.

Preamble And Findings

WHEREAS, pursuant to Sections 1.04 and 2.14 of the Charter of the City of Fayetteville ("City"), and O.C.G.A. § 38-3-28 the Mayor and City Council, shall have the emergency power to declare an emergency to exist when, in the Mayor and City Council's opinion, there is a public emergency affecting life, health, property or public peace; and

WHEREAS, pursuant to Section 2.14 of the Charter of the City of Fayetteville, the Mayor and City Council may enact emergency ordinances which expire in 30 days of adoption unless sooner terminated, or extended by Ordinance after 30 days; and

WHEREAS, the City of Fayetteville is currently responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2" and the disease it causes named "coronavirus disease 2019" (abbreviated "COVID-19"); and

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020 the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020 Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

WHEREAS, the Center for Disease Control ("CDC") has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, “social distancing” as defined by the CDC is recommended to prevent the continued spreading of this illness in the community; and

WHEREAS, as on March 16, 2020, the Centers for Disease Control advised that during the next fifteen (15) days, all events in the United States of ten (10) or more people should be cancelled or held virtually; and

WHEREAS, in accordance therewith, public establishments in other U.S. cities and states such as bars and nightclubs, restaurants, and other eating and drinking establishments, gyms and fitness centers, movie theaters, live performance venues, bowling alleys, and arcades, private social clubs, and other non-essential businesses have been required by such cities and states to close, with restaurants being required to cease offering dine-in services, only preparing and offering food to customers via delivery service, drive-through, or take-out; and

WHEREAS, cafeterias in hospitals, nursing homes, or similar facilities are not subject to these restrictions and are allowed to continue normal operations; and

WHEREAS, in accordance with the guidance of the CDC, it is the Mayor and City Council’s determination that businesses which serve alcohol by the drink for on-premise consumption and that do not serve food, gyms and fitness centers, movie theaters, live performance venues, bowling alleys, and arcades, private social clubs and other non-essential businesses, located within the territorial jurisdictional limits of the City of Fayetteville must close to the public in accordance with this emergency declaration; and

WHEREAS, restaurants and other eating and drinking establishments must cease offering dine-in services, but may continue preparing and offering food to customers via delivery service, drive-through, or take-out; and

WHEREAS, food services in hospitals, nursing homes, assisted living, or similar facilities shall not be subject to these restrictions and may continue normal operations.

Ordinance

THEREFORE, BE IT HEREBY ORDAINED that:

Section 1: Emergency

The Mayor and City Council of the City of Fayetteville declare a state of emergency in the

City of Fayetteville based on the global pandemic Coronavirus/COVID-19 disease, and pursuant to the findings in the Preamble hereto, which are incorporated herein by this reference.

Section 2: Restaurants and Entertainment Venues

- 1) All restaurants and other establishments which sell food or beverages for consumption on the premises or who provide entertainment on the premises shall be closed to in-person dining, alcohol consumption, or entertainment during the term of this Ordinance.
- 2) Said restaurants, and other establishments may offer food for take away, delivery, or for customers to eat at location(s) other than the establishment, consistent with this Ordinance.
- 3) During the term of this Ordinance any establishment licensed for the sale of beer and/or wine for consumption on the premises may sell unopened bottles or cans of beer and bottles of wine with the purchase of food for takeout only, but not delivery. Unopened cans and bottles must meet federal law for sealed containers.
- 4) Businesses affected by these closures shall establish systems that restrict in-person contact as much as possible consistent with CDC guidelines, to include a limitation of the number of customers at a time to be in the premises.

Section 3: Non-Essential Businesses

All non-essential businesses and services are ordered to close and remain closed, effective at 12:01 on March 25, 2020, and continue for the term of this Ordinance, unless sooner repealed or modified by subsequent Ordinance of the Mayor and City Council. Essential businesses and services as designated by Homeland Security, include but are not limited to food and grocery stores; food banks and outdoor farmers markets; businesses that provide food, shelter, social services and other necessities of life for economically disadvantaged people; gas stations and auto repair businesses; banks and financial institutions; hotels; hardware stores and plant nurseries; plumbers and electricians, exterminators, custodial/janitorial workers, handyman services, funeral home workers and morticians, moving services, HVAC installers, carpenters, construction workers, landscapers, gardeners, property managers, private security personnel and others who provide services to maintain the safety, sanitation and essential operation of properties and other essential activities; healthcare providers and facilities to include pharmacies; veterinarian services; transportation services; residential facilities; warehouses and distribution centers; government services; laundromats/laundry service; newspapers, magazines, television, radio, podcasts and other media services; and educational institutions, including public and private K-12 schools, colleges, and universities - for purposes of facilitating distance learning or performing essential functions; provided that social distancing of six (6) feet per person is maintained to the greatest extent possible, or as otherwise recommended by the CDC, from time to time. For the purposes of this Ordinance, non-essential services will not include any business that operates primarily by appointment only, such as professional services including but not limited to attorneys, brokers, and certified professional accountants, which can demonstrate to the City, if necessary, that they otherwise comply with the Governor's Executive Order of March, 23, 2020.

Houses of Worship. All houses of worship shall strive for density reduction in all services, whether scheduled or based upon a life event such as a funeral or baptism, and wherever practical shall practice social distancing. Houses of worship are further encouraged to use social media or other video outlets to broadcast worship services. Funeral homes shall likewise strive for density reduction in all activities and shall ensure vehicles used to

transport families shall be thoroughly cleaned between uses in accordance with CDC guidelines. Graveside services of 10 or less participants are highly encouraged.

Section 4: Business Hours

All essential businesses shall be open to the public only during the hours of 7:00 a.m. to 9:00 p.m. E.T. No business shall be open to the public outside of the prescribed hours above. City and County Government operations, Hospitals, nursing homes, assisted living and healthcare providers, pharmacies, and hotels are exempt from this requirement. All businesses shall make every effort to ensure adequate social distancing occurs by maintaining at least six (6) feet of personal space or as otherwise recommended by the CDC, and providing a station(s) to wash hands with warm water and antibacterial soap, hand sanitizer containing at least 60% alcohol, or both.

Section 5: Social Gatherings

The public shall adhere to CDC guidelines, as revised from time to time, related to public social gatherings. Essential businesses are not considered social gatherings.

Section 6: Adherence to State and Federal Recommendations

The Mayor and Council further recommend that, in addition to the foregoing, all individuals continue to adhere to recommendations by State of Georgia and Federal Officials and Agencies related to health and safety during this health emergency.

Section 7: Effective Dates

Unless otherwise stated herein, this Ordinance shall be effective on March 25, 2020 at 12:01 am and expire on April 6, 2020 at 11:59 pm. However, the Ordinance may be reenacted in the same manner or repealed earlier by a repealing ordinance.

Section 8: Preamble

The Preamble and Findings of this Ordinance shall be constructed to be and is hereby incorporated by reference as if fully set out herein.

Section 9: Severability


If any sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence paragraph or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

Section 10: Repeal

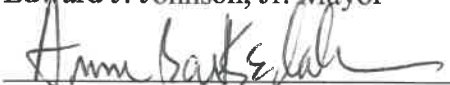
All ordinances or parts thereof in conflict with or contrary to this Ordinance are hereby temporarily repealed for the term of this Emergency Ordinance and any extension thereof.

So Ordained, this 24th day of March 2020, by the following voting for adoption and enactment:


ATTEST:



Edward J. Johnson, Jr. Mayor



Anne Barksdale, Clerk of Council




Scott Stacy, Mayor Pro Tem

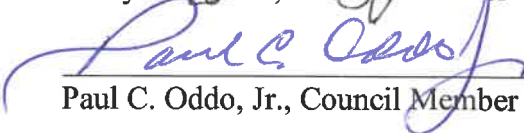


T. Joe Clark, Council Member

Richard J. Hoffman, Council Member



Darryl Langford, Council Member



Paul C. Oddo, Jr., Council Member